



# **Charter of the United Nations (Sanctions—Yemen) Regulation 2014**

## **Select Legislative Instrument No. 49, 2014**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),  
Governor-General of the Commonwealth of Australia, acting with the  
advice of the Federal Executive Council, make the following regulation.

Dated 15 May 2014

Peter Cosgrove  
Governor-General

By His Excellency's Command

Julie Bishop  
Minister for Foreign Affairs

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*OPC60490 - A*



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## Part 1—Preliminary

### 1 Name of regulation

This regulation is the *Charter of the United Nations (Sanctions—Yemen) Regulation 2014*.

### 2 Commencement

This regulation commences on the day after it is registered.

### 3 Authority

This regulation is made under the *Charter of the United Nations Act 1945*.

### 4 Definitions

In this regulation:

*Act* means the *Charter of the United Nations Act 1945*.

*Committee* means the Committee established under paragraph 19 of Resolution 2140.

*controlled asset* means:

- (a) an asset of a designated person or entity; or
- (b) funds derived from an asset owned or controlled, directly or indirectly, by:
  - (i) a designated person or entity; or
  - (ii) a person acting on behalf of, or at the direction of, a designated person or entity.

*designated person or entity* means a person or entity designated by the Committee for paragraph 11 of Resolution 2140.

*Resolution 2140* means Resolution 2140 (2014) of the Security Council, adopted on 26 February 2014.

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## Part 2—UN sanction enforcement laws

Note: See section 2B of the Act.

### 5 Prohibition relating to dealings with designated persons or entities

- (1) A person contravenes this section if:
  - (a) the person directly or indirectly makes an asset available to, or for the benefit of, a designated person or entity; and
  - (b) the making available of the asset is not authorised by a permit under section 7.
- (2) For an offence under section 27 of the Act that relates to a contravention of subsection (1), strict liability applies to the circumstance that the making available of the asset is not authorised by a permit under section 7.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (3) Section 15.1 of the *Criminal Code* (Extended geographical jurisdiction—Category A) applies to an offence under section 27 of the Act that relates to a contravention of subsection (1).

Note 1: This has the effect that the offence has extraterritorial operation.

Note 2: This section is specified as a UN sanction enforcement law in the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008*.

### 6 Prohibition relating to controlled assets

- (1) A person contravenes this section if:
  - (a) the person holds a controlled asset; and
  - (b) the person:
    - (i) uses or deals with the asset; or
    - (ii) allows the asset to be used or dealt with; or
    - (iii) facilitates the use of the asset or dealing with the asset; and
  - (c) the use or dealing is not authorised by a permit under section 7.

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- (2) For an offence under section 27 of the Act that relates to a contravention of subsection (1), strict liability applies to the circumstance that the use of, or dealing with, the asset is not authorised by a permit under section 7.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (3) Section 15.1 of the *Criminal Code* (Extended geographical jurisdiction—Category A) applies to an offence under section 27 of the Act that relates to a contravention of subsection (1).

Note 1: This has the effect that the offence has extraterritorial operation.

Note 2: This section is specified as a UN sanction enforcement law in the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008*.

## **7 Permit for assets and controlled assets**

- (1) The Minister may, on application, grant a person a permit authorising:
- (a) the making available of an asset to a person or entity that would otherwise contravene subsection 5(1); or
  - (b) a use of, or dealing with, a controlled asset that would otherwise contravene subsection 6(1).

Note: Section 13A of the Act applies to a permit granted under this section.

- (2) The application must be for a basic expense dealing, legally required dealing, contractual dealing, required payment dealing or extraordinary expense dealing as defined in regulation 5 of the *Charter of the United Nations (Dealing with Assets) Regulations 2008*.
- (3) The application must specify which kind of dealing mentioned in subsection (2) the application is for.
- (4) If the application is for a basic expense dealing, the Minister:
- (a) must notify the Committee of the application; and
  - (b) may grant a permit only if 5 business days have passed since the notice was given, and the Committee has not advised against granting a permit to the applicant.

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- (5) If the application is for a legally required dealing, the Minister must notify the Committee of the application.
- (6) If the application is for a required payment dealing, the Minister:
  - (a) must notify the Committee of the application; and
  - (b) may grant a permit only if 10 business days have passed since the notice was given.
- (7) If the application is for an extraordinary expense dealing, the Minister:
  - (a) must notify the Committee of the application; and
  - (b) may grant a permit only with the approval of the Committee.
- (8) The permit is subject to any conditions specified in the permit.

Note: Part 2 of the *Charter of the United Nations (Dealing with Assets) Regulations 2008* applies to this section.



## **Part 3—Miscellaneous**

### **8 Delegations by Minister**

- (1) The Minister may delegate the Minister's powers and functions under this regulation (other than this power of delegation) to:
  - (a) the Secretary of the Department; or
  - (b) an SES employee, or acting SES employee, in the Department.
- (2) The delegation must be in writing.
- (3) The delegate must comply with any directions of the Minister in exercising powers or functions under the delegation.